

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE ENROLLED ACT No. 495

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-114.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 1999]: **Sec. 114.2. "Land application operation", for purposes of IC 13-19-3, means an operation in which sludge, waste products, or wastewater generated by industrial, municipal, or semipublic facilities are disposed of by application upon or incorporation into the soil. The term does not include the operation of a landfill or an open dump.**

SECTION 2. IC 13-11-2-116 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 116. (a) "Landfill", for purposes of IC 13-20-2, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

(b) "Landfill", for purposes of **IC 13-11-2-114.2** and IC 13-20-11, means a facility operated under a permit issued under IC 13-15-3 or IC 13-7-10 (before its repeal) at which solid waste is disposed of by placement on or under the surface of the ground.

(c) "Landfill", for purposes of IC 13-11-2-82 and IC 13-21, means a solid waste management disposal facility at which solid waste is deposited on or in the ground as an intended place of final location.

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The term does not include the following:

- (1) A site that is devoted solely to receiving one (1) or more of the following:
 - (A) Fill dirt.
 - (B) Vegetative matter subject to disposal as a result of:
 - (i) landscaping;
 - (ii) yard maintenance;
 - (iii) land clearing; or
 - (iv) any combination of activities referred to in this clause.
- (2) A facility receiving waste that is regulated under the following:
 - (A) IC 13-22-1 through IC 13-22-8.
 - (B) IC 13-22-13 through IC 13-22-14.

SECTION 3. IC 13-19-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The department and the boards shall allow a person to use foundry sand that meets Type III criteria under 329 IAC 10-9 for the following activities in accordance with guidance without requiring the person to obtain any permits from the department:

- (1) As a daily cover for litter and vermin control at a landfill in accordance with any applicable permits issued for the landfill.
- (2) As a protective cover for a landfill leachate system in accordance with any applicable permits issued for the landfill.
- (3) For use as capped embankments for ground and sight barriers under ten thousand (10,000) cubic yards or embankments for airports, bridges, or overpasses.
- (4) **For use in:**
 - (A) **a land application operation; or**
 - (B) **as a soil amendment;****if the application or amendment does not include the operation of a landfill.**
- (5) As a structural fill base capped by clay, asphalt, or concrete for the following:
 - (A) Roads.
 - (B) Road shoulders.
 - (C) Parking lots.
 - (D) Floor slabs.
 - (E) Utility trenches.
 - (F) Bridge abutments.
 - (G) Tanks and vaults.
 - (H) Construction or architectural fill.
 - (I) Other similar uses.



~~(5)~~ (6) As a raw material constituent incorporated into another product including the following:

- (A) Flowable fill.
- (B) Concrete.
- (C) Asphalt.
- (D) Brick.
- (E) Block.
- (F) Portland cement.
- (G) Glass.
- (H) Roofing materials.
- (I) Rock wool.
- (J) Plastics.
- (K) Fiberglass.
- (L) Mineral wool.
- (M) Lightweight aggregate.
- (N) Paint.
- (O) Plaster.
- (P) Other similar products.

SECTION 4. IC 13-14-5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 6. (a) The property owner may provide information in response to any of the following:**

- (1) An oral report provided under section 2 of this chapter.**
- (2) A written summary provided under section 2 or 3 of this chapter.**
- (3) Questions raised during the inspection visit.**

(b) The department shall review and consider any information presented by the property owner under subsection (a). The department shall append any written information provided under subsection (a) to the inspection report and include the written information in the public file.

SECTION 5. [EFFECTIVE JULY 1, 1999] **(a) The department of environmental management shall develop a task force that includes individuals knowledgeable about the foundry industry, individuals knowledgeable in proposed uses of foundry sand, and other interested parties to develop guidance for the department before January 1, 2000:**

- (1) to implement IC 13-19-3-7, as amended by this act; and**
- (2) to develop appropriate procedures for foundry sand characterization that address generator knowledge and testing requirements.**

(b) This SECTION expires January 2, 2000.

